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**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

MEMORANDUM FOR: Secretarial Officers
Heads of Operating Units

FROM: Theodore W. Kassinger *TK*

SUBJECT: Case-Zablocki Act Review Procedures

Under Departmental Administrative Order (DAO) 218-4 § 5.04a, the General Counsel is required to consult with the Secretary of State, through the Office of Assistant Legal Advisor for Treaty Affairs, to obtain authorization to negotiate and to conclude any proposed agreement that falls under the Case-Zablocki Act, 1 U.S.C. § 112b (Case Act).

The Case Act, which covers "international agreements," states that Federal agencies shall not conclude agreements on behalf of the United States without prior consultation with the Department of State, which is responsible for determining whether an agreement constitutes an "international agreement." DAO 218-4, issued pursuant to the Case Act, prescribes the Department's policies, procedures, and responsibilities regarding the negotiation and conclusion of international agreements. Section 5 of the DAO requires program offices to advise the General Counsel, in advance, of the nature and scope of any intended negotiation with a foreign government or agency that may lead to an international agreement, and the authority under which such negotiation will be conducted. The General Counsel is responsible for preliminarily determining whether a negotiation intended to result in an agreement, or a proposed agreement, is "international" for purposes of consulting with the Department of State. The General Counsel is also responsible for informing the program office of any subsequent determination issued by the Department of State. See DAO 218-4 § 5.04.

Accordingly, please notify my office of any negotiations intended to lead to international agreements. Also, please forward any proposed international agreements so that my office may consult with the Department of State as the Case Act requires.

I appreciate your continued cooperation in advising my office of the existence of planned negotiations of international agreements so that our contact with the Department of State for Case Act review is performed in a timely, coordinated, and consistent manner. Please contact me should you have any questions regarding these procedures.

cc: Assistant General Counsels
Chief Counsels
NOAA General Counsel
PTO General Counsel